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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined ninth and tenth periodic reports of Slovakia

Addendum

Information received from Slovakia on follow-up to the concluding observations*

[Date received: 27 February 2014]

Information by the Slovak Republic on follow-up to the recommendations contained in paragraphs 6, 8, 11 and 16 of the concluding observations of the Committee on the Elimination of Racial Discrimination

1. The Slovak Republic pays due attention to the implementation of recommendations by the Committee on the Elimination of Racial Discrimination. The Committee's observations serve as an important guidance in order to strengthen legislative and institutional measures in the field of fight against racism and racial discrimination. Prohibition of discrimination on any grounds, including discrimination based on race belongs to the core of national human rights policy. In this context adequate legislative and practical measures are adopted at national level.

Recommendation No. 6

The Committee recommends that the State party take effective measures to prosecute hate crimes in an effective manner so as to discourage racist and extremist organizations. In line with its general recommendation No. 15 (1993) on organized violence based on ethnic origin, the Committee urges the State party to exercise due vigilance and readiness in proceeding against such organizations at the earliest moment and to penalize and prosecute the financing and participation in their activities. The Committee urges the State party to address any loophole in its legislation by amending it so as to forbid and prevent activities of extremist

* The present document is being issued without formal editing.

organizations by disbanding and declaring them illegal as necessary. The Committee reiterates its request that the State party provide updated statistical data on the number and nature of hate crimes, convictions and sentences imposed on perpetrators, disaggregated by age, gender and national or ethnic origin of victims and compensation awarded, where applicable.

2. Legislative guarantees in the field of fight against extremism have been reinforced in the Slovak Republic. In August 2013, two amendments to the Criminal Code and the Code of Criminal Procedure entered into force. They provide for strengthening the legal guarantees as regards the investigation of crimes related to extremism. Thanks to these amendments, an investigation of crimes related to extremism is obligatory conducted by investigators of the police force (until now members of the police force). The bias motivation on the ground of national, ethnic or racial hatred and hatred on the ground of skin colour or sexual orientation was included among the list of aggravated factors for criminal sanctions. To step up efforts in this area, the possibility to use an agent and legal interception for purpose of the fight against extremism was introduced into law as well.

3. The Act on Organizing Public Sport Events which entered into force on 1 February 2014 defines the offences related to extremism. According to the law, an individual commits an offence of extremism by using written, graphical or other forms of expression in public in various form which are directed to the suppression of f basic human rights and freedoms; the same is applied to individuals who support or incite hatred or other forms of discriminatory treatment of individuals or groups of persons. In addition, an individual commits an offence by damaging or destroying property on the grounds of hatred based on ethnicity, race or skin colour).

4. The issue of "unlawful associations" is stipulated explicitly in the Act on Assembly as amended under which unlawful associations are considered as any organization aimed at denying or restricting personal, political or other rights of citizens on the basis of their nationality, gender, race, origin, political or other beliefs, religion or social status or to incite hatred or intolerance on the basis of these grounds; to promote violence or to otherwise violate the Constitution or the laws. This Act includes provision regarding the dissolution of associations in cases where the registering body determines that the civic association is operating in any of the ways referred to above. Issues related to the freedom of assembly are stipulated in a specific act. Under this act a municipality is authorized to prohibit an assembly if the communicated purpose of such assembly is to call for the denial or restriction of personal, political or other rights of citizens on the basis of their nationality, gender, race, origin, political or other beliefs, religion or social status or to incite hatred or intolerance on the basis of these grounds. From our point of view these legal regulations sufficiently reflect the Committee's recommendation.

Statistical data on the number of individuals convicted for racially-motivated crimes in 2013

Para of the Criminal Code No. 300/2005 Coll. as amended	*Number of individuals convicted in 2013*	*Sentences*			*Victim*			
		Unconditional	*Conditional*	*Other*	*Number*	*Age*	*Sex*	*Nationality*
Para 147 (manslaughter)	1	1	0	0	1	58	Woman	Slovak
Para 359 (violence against a group)	1	0	1	0	2	49, 50	Man, woman	Slovak
Para 423 (defamation on nationality, racial or religious grounds)	0				X			
Para 424 (Incitement of national, racial or ethnic hatred)	0				X			
Para 364 (Disorderly conduct)	0				X			

Para of the Criminal Code No. 300/2005 Coll. as amended	*Number of individuals convicted in 2013*	*Sentences*			*Victim*			
		Uncondi-tional	*Condi-tional*	*Other*	*Number*	*Age*	*Sex*	*Nationality*
Para 144, (2) letter e) + § 145 (2) letter d) (premeditated murder with special motive and murder with special motive)	0				X			
Para 156, (2) letter b) (premeditated assault with special motive)	0				X			
Para 155, (2) letter c) (assault with special motive)	0				X			
Para 182, (2) letter a) (deprivation of personal freedoms in connection with special motive)	0				X			
Para 194, (2), letter d) (violation of privacy in connection with special motive)	0				X			
Para 418 (genocide)	0				X			
Para 425 (cruelty)	0				X			
Para 421 (supporting and promoting groups using violence, threats of violence or threats of other serious harm directed towards the suppression of fundamental rights and freedoms)	2	0	2	0	X			
Para 422 (public expressions of sympathy, in particular the use of banners, badges, uniforms or passwords, for groups or movements using violence, threats of violence or threats of other serious harm directed towards the suppression of fundamental rights and freedoms)	4	1	2	1	X			
Para 422b (dissemination of extremist materials)	1	0	1	0	X			
Para 422c (possession of extremist materials)	2	0	1	1	X			
Para 183, (2) letter b (restriction of personal freedoms with special motive)	0				X			
432 (persecution of a population)	0				X			
Total	**11**	**2**	**7**	**2**	**3**	**49, 50, 58**	**1 man, 2 woman**	**Slovak**

Source: Ministry of Justice of the Slovak Republic.

Note: Detailed statistical monitoring of the characteristics of victims of violent crimes was introduced into practice as of 1 January 2011.

Recommendation No. 8

In accordance with its general recommendations No. 7 (1985) on legislation to eradicate racial discrimination, No. 15 (1993) and No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party identify individuals or groups who incite racial hatred against minorities and foreigners, investigate and apply appropriate sanctions for hate speech by politicians, government officials or media professionals. The Committee urges the State party to take the necessary measures to promote tolerance, intercultural dialogue and respect for diversity, aimed in particular at journalists.

5. The Government of the Slovak Republic takes the matter of fighting extremism very seriously. To reduce hate speech in the media, on the Internet and social networks, the

Ministry of Interior of the Slovak Republic as the primary coordinator for combatting extremism fulfils individual tasks resulting from the Concept of Combating Extremism for 2011–2014. The Concept is a complex policy document focusing on preventive and repressive measures in the field of fight against extremism. It reflects current developments in extremism and identifies objectives in combatting this phenomenon, including specific steps to achieve this objective. The annual evaluation of the Concept includes its institutional coverage with an element of cooperation among relevant ministries in fulfilling tasks to combat extremism. These individual tasks may be revised and updated annually subject to current developments.

6. Regarding the Committee's recommendations on the investigation and application of appropriate sanctions for hate speech by politicians, government officials and media professionals, we state that the police examines thoroughly every complaint and investigate any such conduct that constitutes a hate crime on the basis of national, ethnic or racial grounds or a hate crime based on skin colour or sexual orientation as well as incitement to such hatred.

7. The Government Council for Human Rights, National Minorities and Gender Equality, the main advisory body to the Government in the field of human rights expressed its clear view in its public statement of 20 November 2013 regarding the zero tolerance towards any manifestations of extremism and intolerance. Following the regional elections in Slovakia in autumn last year, the Government Council released a public statement on the election of Mr. Kotleba. The Council expressed its concern about the election of Mr. Kotleba as the chair of Banská Bystrica Region. It also urged not to tolerate any manifestations of extremism in any form in the public and political life or in the media.

Recommendation No. 11

The Committee recommends that the State party strengthen the provisions of the Strategy for the Integration of the Roma up to 2020 and the Revised National Action Plan for the Decade of Roma Inclusion and ensure they are effectively pursued. To this end the State party is requested to:

(a) Take all necessary measures to eradicate the practice of segregating Romani children in the school system and ensure that they enjoy equal opportunities in access to quality education, in light of the Committee's general recommendation No. 27 (2000);

8. The Ministry of Education, Science, Research and Sport of the Slovak Republic issued an internal regulation in 2013 giving schools, inter alia, the following obligations:

- To apply thoroughly the principle of prohibition of all forms of discrimination and segregation;
- To eliminate undesirable phenomena including any forms of exclusion or segregation of Roma students on ground of their ethnicity (often in combination with social marginalization);
- To address thoroughly problems faced by children and students from marginalized groups that make obstacles in their enrolment into mainstream school system and their integration in mainstream classes more;
- To create suitable conditions for their education in schools and classes with the majority population.

In addition, schools were recommended to refrain from creating special classes (with the exception of the zero class at primary school) for socially disadvantaged children.

9. All children in the educational system of the Slovak Republic enjoy the same rights and obligations pursuant to the national legal framework. The ruling by the Prešov Court on

primary school in Šarišské Michaľany concerning discrimination in education is a concrete example in this regard. The court referred in its ruling to the School Act in force which prohibits discrimination and segregation in education. Likewise the ruling issued by the court in Prešov in Šarišské Michaľany gave a signal to the authorities that schools require enhanced assistance by the State. To this end two calls for applications on development projects were announced in 2012 and 2013 focused on desegregation and promotion of education of children from socially disadvantaged environment. The call shall also be announced in 2014.

10. To promote inclusive education, a number of projects are implemented at national level:

- National project on "Teacher training aimed at inclusion of marginalized Roma communities". 200 primary schools in which the number of children from socially disadvantaged environment reaches nearly 50% are involved in the implementation of this project. Nearly 400 teacher assistants have been employed thanks to the project and numerous educational activities for the parents of children from Roma communities have been implemented.
- National project on "Inclusive education model at pre-school level" national project is implemented at 110 s kindergarten.
- Preparations are underway for the national project on "Inclusive Education Project" (abbreviated as PRINED). The project shall focus on the introduction of systematic tools in order to eliminate unjustified enrolment of children into special schools/classes.

(b) Provide ways and means to eliminate the overrepresentation of Romani students in specialized classes and in special schools by addressing the root causes of this practice and to integrate them into mainstream education; and increase human and financial resources for the education of Roma, in addition to organizing training on Roma rights for teachers and social personnel;

11. The Ministry of Education, Science, Research and Sport of the Slovak Republic issued a guideline regarding the assessment of the abilities of children from socially disadvantaged environment and on their enrolment in primary school by psycho-pedagogical counselling services in school year 2013. Link to the Slovak version of this guideline: http://www.minedu.sk/data/files/2986_usmernenie.pdf.

12. Relevant national bodies make all efforts in order to ensure equal access to education in communities with high number of children from marginalized Roma communities with an emphasis to decrease the number of children in special primary schools by building capacities in mainstream primary schools. Due attention is devoted to the process of desegregation as well.

13. In 2013, state authorities in cooperation with municipalities launched the construction of 5 primary schools in municipalities with double school shift. Municipalities are actively involved in construction, including sharing in the financing, securing land and involving the local community. School construction shall continue in 2014 in another 15 municipalities where the situation is critical. This is a systematic solution with an emphasis on reducing the number of children in special primary schools and on desegregation. The Slovak Republic is aware of the sensitivity of these issues and is trying to find a satisfactory solution for all parties involved.

14. The Slovak Republic also provides primary schools with financial contribution for children from socially disadvantaged environment in order to improve conditions for education. The School-founder of primary school in which more than 100 students from socially disadvantaged environment are enrolled are obliged to use at least 50% of this full

contribution to pay the salaries and remuneration of teacher assistants who assist children from socially disadvantaged environment.

15. More than €6.5 million was provided for students from socially disadvantaged environments as of 31.12.2013. The total contribution per student was €100. The contribution per student from a socially disadvantaged environment in 2014 is €102.50, representing a total of more than €8.8 million.

(c) Take enforcement measures to ensure the effective application of the Schools and the Anti-Discrimination Acts, including their dissemination in schools as well as other preventative measures in order to put an end to the de facto segregation in education;

16. The State School Inspection, as an independent authority, is the main body to monitoring the educational and teaching process. State School Inspection also focuses on monitoring of:

- The level of educating students from socially disadvantaged environment in primary and secondary schools;
- Efforts to create preconditions for inclusive education of students from socially disadvantaged environment.

Link to the Inspection reports (available in Slovak): http://www.ssiba.sk/Default.aspx?text=g&id=3&lang=sk.

(d) Ensure that mandatory pre-school education is conducted in a manner that would remove the disparity between children of marginalized groups and the majority population, with the aim of preventing future segregation in education.

17. Relevant domestic bodies continue to work on revision of relevant legislation. The idea of introduction he free pre-primary education for children beginning at age 4 is reflected in all strategic documents of the Ministry of Education, Science, Research and Sport of the Slovak Republic. The idea is to achieve 95% participation of all children in pre-primary education from the age of 4.

Recommendation No. 16

The Committee recommends that the State party take effective measures to implement the Convention and ensure that the principle of self-governance of local and regional bodies does not hamper its international human rights obligations of promoting economic, social and cultural rights of disadvantaged or discriminated groups, as per the Convention.

It reiterates its recommendation that the State party implement its recommendations on communications under article 14 of the Convention, in particular the situation in Dobšiná and include updated information in its next periodic report.

18. The Slovak Republic pays due attention to the implementation of this recommendation. A decentralized system of public administration exists in Slovakia. The state may only interfere into the functioning of municipalities and higher territorial units by means stipulated by law. In line with the legal framework, any administrative supervision of local authorities can only be performed in such a way and in such cases stipulated by the e Constitution or by relevant laws.

19. Improving the situation for Roma in all areas of life, including housing has been among the priorities of the Government of the Slovak Republic. The Slovak Republic continues to adopt measures .o support rental housing for disadvantaged groups in order to ensure its accessibility. . Local authorities are encouraged to develop comprehensive land development plans and to increase accessibility to rental housing in such plans. This is the

way of supporting the integration of marginalized groups of the population while reducing social exclusion and eliminating the creation of urban ghettos through ensuring a suitable social mix within the population.

20. The Government of the Slovak Republic is aware of the need to focus on the issue of the future of Roma settlements. The new legislation is currently under preparation; draft Building Act was elaborated in this context in June 2013 and it is supposed to become effective as of July 2014. The new law creates legal prerequisites for the mandatory demolition of illegal (non-authorized) dwellings. The intention of the reform is to achieve legal settlement of dwellings built on land without any authorisation by relevant State authority as well as on dwellings built by illegal owners.

21. It is the genuine interest of the Slovak authorities to have the new Building Act fully reflecting human rights standards in the field of housing, including relevant recommendations by the UN treaty bodies and case-law of the European Court of Human Rights. With this in mind, expert meetings currently take place at domestic level. The Slovak Republic shall provide comprehensive information on the implementation of recommendations in the next periodic report.